

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

**COMMODITY FUTURE TRADING
COMMISSION,**

Plaintiff,

Case No.: 04-2181 D AN

v.

FXTRADE FINANCIAL, LLC, et al.,

Defendants.

ORDER

Before the Court is Plaintiff's October 4, 2005 contempt motion against Catherine Mischler for failure to comply. . . (Docket # 150). The motion was referred to the magistrate judge for a Report and Recommendation. Upon review of the record, the court ADOPTS the report of the magistrate judge's findings, and for the reasons set forth therein, grants the Motion's finding that Catherine Mischler wilfully failed to appear for her scheduled deposition.

Because of her failure to respond to discovery or appear for deposition, or respond to the motion, Mischler is ORDERED to comply with Plaintiff's deposition subpoena and make herself available for the deposition at Plaintiff's Kansas City, Missouri office within 15 days of the entry of this order or the date that Plaintiff establishes. Plaintiff's counsel shall supply an affidavit to the Court within 15 days of entry of this order setting forth the fees and expenses, including attorney's

fees, incurred in connection with this motion.

IT IS SO ORDERED this 7th day of February, 2006.

s/Bernice Bouie Donald
BERNICE BOUIE DONALD
UNITED STATES DISTRICT JUDGE